



6/11/04

FPW

EXPRESS MAIL NO. EV 396740857 US

PATENT APPLICATION  
Docket No: 7678.880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)	
	Peter M. Allred, et al.	)	
Serial No.:	10/790,446	)	Art Unit
Confirmation No.:	Not Yet Known	)	Not Known
Filed:	February 19, 2004	)	
For:	ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR ADHESIVE COMPOSITION	)	
Examiner:	Not Yet Known	)	

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§

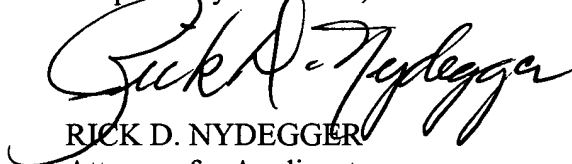
102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each nonenglish reference, if any, are also enclosed.

Dated this 10<sup>th</sup> day of June, 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913

RDN:kcs  
KCS0000002638V001

RICK D. NYDEGGER  
BRENT P. LORIMER  
THOMAS R. VUKSINICK  
LARRY R. LAYCOCK  
JONATHAN W. RICHARDS  
DAVID R. WRIGHT  
JOHN C. STRINGHAM  
JOHN M. GUYNN  
CHARLES L. ROBERTS  
DANA L. TANGREN  
ERIC L. MASCHOFF  
CHARLES J. VEVERKA  
ROBYN L. PHILLIPS  
RICHARD C. GILMORE \*  
STERLING A. BRENNAN  
R. BURNS ISRAELSEN  
DAVID R. TODD  
GREGORY M. TAYLOR  
DAVID B. DELLENBACH  
L. DAVID GRIFFIN  
ADRIAN J. LEE  
FRASER D. ROY  
CARL T. REED



R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, PH.D.  
WILLIAM R. RICHTER  
ERIC M. KAMERATH  
ROBERT E. AYCOCK  
JENS C. JENKINS  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
MICHAEL B. DODD  
RYAN D. BENSON  
SARA D. JONES  
TIGE KELLER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAVAR OLDHAM  
MICHAEL J. FRODSHAM  
JOSEPH L. KRUPA  
BRETT A. HANSEN  
BRETT I. JOHNSON  
MATTHEW A. BARLOW  
WESLEY C. ROSANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PIA  
CLINTON E. DUKE  
DAVID J. LORENZ †  
RYAN N. FARR \*  
JAMES B. BELSHE



# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: HTTP://WWW.WNLAW.COM

EXPRESS MAIL LABEL NO.: EV396740857US PATENT APPLICATION  
Docket No.: 7678.880

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- X Form PTO-1449 list of ninety-six (96) references submitted for consideration.
- \_\_\_ Legible copies of the listed references or their relevant portions.
- \_\_\_ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- \_\_\_ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- \_\_\_ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- \_\_\_ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

\* Admitted only in California

† Admitted only in New York

\_\_\_ Legible Copies of previously filed Information Disclosure  
Statement for application Serial No. \_\_\_, filed \_\_\_\_.

In order to secure consideration of the items designated above, one or  
more of the following, if required, is also enclosed:

\_\_\_ Promptness Certification.

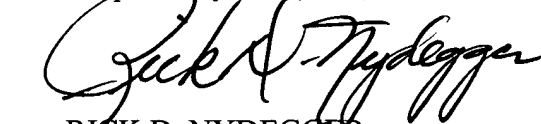
\_\_\_ Check No. \_\_\_\_\_ in the amount of \$240.00 constituting  
submission fee under 37 C.F.R. 1.17(p);

\_\_\_ Petition for Consideration and Check No. \_\_\_\_\_ in the  
amount of \$\_\_\_\_\_.

X In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is  
not satisfied that the Promptness Certification meets the  
requirements of 37 C.F.R. § 1.97(e), or in any other event  
remediable by a fee, please credit any over payment or charge any  
additional fees to Deposit Account No. 23-3178 of the  
undersigned.

Dated this 10<sup>th</sup> day of June, 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913

EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 1 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

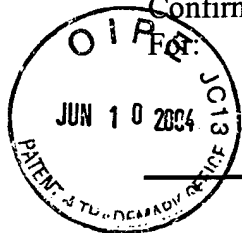
Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION



INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>
_____ A1.	165,584	07/13/1875	Hopfen
_____ A2.	1,637,153	07/26/27	Lawton
_____ A3.	2,257,709	09/30/41	Anderson
_____ A4.	2,835,628	05/20/58	Saffir
_____ A5.	3,339,547	09/05/67	Drabkowski
_____ A6.	3,527,219	09/08/70	Greenberg
_____ A7.	3,624,909	12/07/71	Greenberg
_____ A8.	3,688,406	09/05/72	Porter et al.
_____ A9.	3,955,281	05/11/76	Weitzman
_____ A10.	4,064,628	12/27/77	Weitzman
_____ A11.	4,138,814	02/13/79	Weitzman
_____ A12.	Re. 33,093	10/17/89	Schiraldi et al.

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 2 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION

---

_____ A13.	4,902,227	02/20/90	Smith
_____ A14.	5,085,585	02/04/92	Zimble
_____ A15.	5,112,225	05/12/92	Diesso
_____ A16.	5,211,559	05/18/93	Hart et al.
_____ A17.	5,310,563	05/10/94	Curtis et al.
_____ A18.	5,326,685	07/05/94	Gaglio et al.
_____ A19.	5,346,061	09/13/94	Newman et al.
_____ A20.	5,356,291	10/18/94	Darnell
_____ A21.	5,425,953	06/20/95	Sintov et al.
_____ A22.	5,573,399	11/12/96	McClintock, II
_____ A23.	5,575,654	11/19/96	Fontenot
_____ A24.	5,562,449	10/08/96	Jacobs et al.
_____ A25.	5,611,687	03/18/97	Wagner
_____ A26.	5,616,027	04/01/97	Jacobs et al.
_____ A27.	5,639,445	06/17/97	Curtis et al.
_____ A28.	5,702,251	12/30/97	McClintock, II

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 3 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION

---

_____ A29.	5,707,235	01/13/98	Knutson
_____ A30.	5,711,935	01/27/98	Hill et al.
_____ A31.	5,769,633	06/23/98	Jacobs et al.
_____ A32.	5,816,802	10/06/98	Montgomery
_____ A33.	5,846,058	12/08/98	Fischer
_____ A34.	5,863,202	01/26/99	Fontenot et al.
_____ A35.	5,879,691	03/09/99	Sagel et al.
_____ A36.	5,891,453	04/06/99	Sagel et al.
_____ A37.	5,894,017	04/13/99	Sagel et al.
_____ A38.	5,895,218	04/20/99	Quinn et al.
_____ A39.	5,922,307	07/13/99	Montgomery
_____ A40.	5,924,863	07/20/99	Jacobs et al.
_____ A41.	5,980,249	11/09/99	Fontenot
_____ A42.	5,989,569	11/23/99	Dirksing et al.
_____ A43.	6,045,811	04/04/00	Dirksing et al.
_____ A44.	6,089,869	07/18/00	Schwartz

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 4 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION

---

_____ A45.	6,096,328	08/01/00	Sagel et al.
_____ A46.	6,106,293	08/22/00	Wiesel
_____ A47.	6,126,443	10/03/00	Burgio
_____ A48.	6,136,297	10/24/00	Sagel et al.
_____ A49.	6,142,780	11/07/00	Burgio
_____ A50.	6,155,832	12/05/00	Wiesel
_____ A51.	6,183,251	02/06/01	Fischer
_____ A52.	6,197,331	03/06/01	Lerner et al.
_____ A53.	6,247,930	06/19/01	Chiang et al.
_____ A54.	6,274,122	08/14/01	McLaughlin
_____ A55.	6,277,458	08/21/01	Dirksing et al.
_____ A56.	6,280,196	08/28/01	Berghash
_____ A57.	6,287,120	09/11/01	Wiesel
_____ A58.	6,322,360	11/27/01	Burgio
_____ A59.	6,331,292	12/18/01	Montgomery
_____ A60.	6,343,932	02/05/02	Wiesel

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 5 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION

---

_____ A61.	6,419,903	07/16/02	Xu et al.
_____ A62.	6,419,906	07/16/02	Xu et al.
_____ A63.	6,435,873	08/20/02	Burgio
_____ A64.	6,440,396	08/27/02	McLaughlin
_____ A65.	6,458,380	10/01/02	Leaderman
_____ A66.	6,461,158	10/08/02	Sagel et al.
_____ A67.	6,488,914	12/03/02	Montgomery
_____ A68.	6,497,575	12/24/02	Zavitsanos et al.
_____ A69.	6,500,408	12/31/02	Chen
_____ A70.	6,503,486	01/07/03	Xu et al.
_____ A71.	6,506,053	01/14/03	Wiesel
_____ A72.	6,514,483	02/04/03	Xu et al.
_____ A73.	6,514,484	02/04/03	Rajaiah et al.
_____ A74.	6,551,579	04/22/03	Sagel et al.
_____ A75.	6,649,147	11/18/03	Ye, et al.
_____ A76.	6,682,721	01/27/04	Kim et al.

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 6 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION

U.S. Patent Application Publication Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Publication Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A77.	US 2001/0046654	11/29/01	Zavitsanos et al.	433	32	03/23/01
_____ A78.	US 2002/0006387	01/17/02	Sagel et al.	424	53	05/24/01
_____ A79.	US 2002/0006388	01/17/02	Sagel et al.	424	53	05/24/01
_____ A80.	US 2002/0012685	01/31/02	Sagel et al.	424	401	05/24/01
_____ A81.	US 2002/0018754	02/14/02	Sagel et al.	424	49	03/15/99
_____ A82.	US 2002/0081555	06/27/02	Wiesel	433	215	02/04/02
_____ A83.	US 2002/0164292	11/07/02	Peterson et al.	424	53	01/25/02
_____ A84.	US 2002/0182154	12/05/02	McLaughlin	424	53	08/08/01
_____ A85.	US 2002/0187111	12/12/02	Xu et al.	424	53	02/22/02
_____ A86.	US 2002/0187112	12/12/02	Xu et al.	424	53	02/22/02
_____ A87.	US 2003/0003421	01/02/03	Besenheider et al.	433	215	07/02/01
_____ A88.	US 2003/0012747	01/16/03	Peterson	424	53	03/23/01

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 7 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION

---

_____ A89.	US 2003/0036037	02/20/03	Zavitsanos et al.	433	215	08/05/02
_____ A90.	US 2003/0044631	03/06/03	Sagal et al.	428	548	08/22/02
_____ A91.	US 2003/0068284	04/10/03	Sagal et al.	424	53	12/17/02
_____ A92.	US 2003/0068601	04/10/03	Zavitsanos et al.	433	215	11/20/02
_____ A93.	US 2003/0082114	05/01/03	Kim et al.	424	53	02/13/01
_____ A94.	US 2003/0133884	07/17/03	Chang et al.	424	53	09/13/02
_____ A95.	US 2003/0194382	10/16/03	Chang et al.	424	53	06/20/02
_____ A96.	US 2003/0198606	10/23/03	Kim et al.	424	53	05/27/03

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740857 US

Form PTO-1449

Sheet 8 of 8

Applicant: Peer M. Allred, et al.

Serial No.: 10/790,446

Att'y Docket No.: 7678.880

Filing Date: February 19, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE  
BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR  
ADHESIVE COMPOSITION

---

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

KCS0000002636V001

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Peter M. Allred, et al.

Docket No.  
7678.880Serial No.  
10/790,446Filing Date  
February 19, 2004Confirmation No.  
Not Yet KnownExaminer  
Not Yet KnownGroup Art Unit  
Not Yet Known

Invention: ORAL TREATMENT DEVICES THAT INCLUDE A THIN, FLEXIBLE BARRIER LAYER AND AN ENDOSKELETON TREATMENT OR ADHESIVE COMPOSITION

I hereby certify that the Transmittal letter (2 pages) (in triplicate); Information Disclosure Statement (2 pgs); Form PTO-1449 Listing all Cited References (8 pgs); and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 10, 2004.

Kendell Steele

(Typed or Printed Name of Person Mailing  
Correspondence)

  
(Signature of Person Mailing Correspondence)

**EV 396740857 US**

(*"Express Mail"* Mailing Label Number)

KCS0000002640V001